"If this amendment is incorporated, the Preamble would read as follows:—

'Whereas it is expedient to provide for the preservation in efficient condition of tanks belonging to landholders and which are being maintained by them and which are used by the Government as part of the Periyar system of irrigation in the Presidency of Madras.'

"Sir, it is desirable that it must be made clear that the landholders are the proprietors of the tanks and that the Government are temporarily using them for purposes of this system. Lest the proprietary rights of the landholders should go by default, as a measure of abundant precaution, this amendment is sought to be introduced."

Rao Bahadur P. C. Muthu Chettiyar seconded the amendment in Tamil.

* The hon. Sir Archibald Campbell:—"Sir, I must oppose the motion. If the tanks are really owned by the landholders who are maintaining these tanks, there would not be any necessity for this Bill at all. But, the difficulty is that these landholders are not maintaining these tanks in proper order."

* Mr. V. T. Arasu:—"The hon. the Revenue Member said that landholders have not been maintaining their tanks in a state of repair. This statement, I believe is made for the first time to-day."

The hon. Sir Archibald Campbell:—"I have said that before."

* Mr. V. T. Arasu:—"It is nearly 38 years since the Periyar system was inaugurated. When earlier in the day I put a straight question whether the Government can quote instances in which these tanks have been neglected to such an extent as to cause danger to the Periyar irrigation system, the hon. Member said that the Government have not till now spent any money on the repair of any of these tanks. That is the straight answer that was given by the hon. the Revenue Member. I am surprised that the hon. Member should make this statement at this stage."

The amendment was put and lost.

The Preamble was put and carried.

The hon. Sir Archibald Campbell:—"I beg to move that the Bill, as amended, be passed into law."

The hon. Sir Mahomed Usman:—"I second it, Sir."

The motion was carried and the Bill was passed into law.

VII.—REPORT OF THE MADRAS SERVICES COMMISSION, 1932–33.

* The hon. Sir Archibald Campbell:—"Sir, I beg to move that the Report [a] of the Madras Services Commission for the year 1932–33, submitted with reference to section 20 of the Madras Services Commission Act, 1929 (Madras Act XI of 1929), be taken into consideration.

"I make this motion under the provision of law I have already quoted."

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[a] Printed separately.

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I second the motion, Sir."

* Mr. K. R. VENKATARAMA AYYAR :—" Sir, the report of the Madras Services Commission draws attention to certain irregularities that have occurred in the course of the working of the Act and the statutory rules. In particular, the Commission in the closing paragraph of their report draw attention to the fact that the Government have turned down the recommendations of the Commission in certain cases. That does not tend well at all. The fear expressed is that political influences are coming into operation and impeding the proper effectuation of the policy of the Act and of the statutory rules. To the extent that instances have been given in the report of the Commission, it does seem objectionable that after having set up a Commission under a Statute and asked them to deal with certain cases, the Government should turn down the recommendations of the Commission and violate the statutory rules, which are as much binding upon the Government as upon others. Various cases have been given in the course of the report of the rules being violated by appointing authorities. The result of these violations is that less deserving persons have been appointed and more deserving persons who would be entitled are given the go-bye. It is for avoiding such undesirable results that the Commission was set up and statutory rules were enacted. If the appointing authority should be at liberty to give the go-bye to these statutory rules, then there is no object in setting up a commission and in prescribing these rules. The report says that different standards of qualification have been prescribed by Government by their amendment of the statutory rules for different communities. A higher standard has been prescribed, it would appear, for Brahmans and Hindu Non-Brahman communities and a lower standard of qualification for other communities. Now, it is quite enough an inroad that rotations have been prescribed. Even that might have a tendency to tell adversely upon efficiency. But, subject to the understanding that the qualifications being the same for candidates from all communities, that candidates should be preferred in a certain rotation involves a certain amount of equality of opportunities and fairness as amongst the various communities, but to go further and say that Brahmans and Non-Brahman Hindus should obtain a certain percentage of marks to become eligible and that members of other communities might be qualified even if they obtain only a lower percentage of marks, is to cut efficiency at its very root. (Mr. Basheer Ahmed Sayeed: ' Question.') My Friend, Mr. Basheer Ahmed, says ' Question.' I say, if you will take candidates who get 15 per cent marks as eligible, provided their birth is such and such, and that the candidates of certain other communities to become eligible should obtain 35 per cent, it means that you have no consistent idea as to what constitutes efficiency. It cannot be that an ill-qualified candidate is efficient, provided he belongs to a particular community by birth. I think, it is obvious that there cannot be different standards of qualification for different communities but subject to the same standard being observed for all communities, justice as amongst the

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various communities may be ensured by some kind of rotation. Even that is only possible as a temporary rule of expediency for a time.

"Sir, the report further says that ineligible persons have been appointed and promoted and that in order to cover such cases the rules have been amended subsequently and retrospective effect has been given to such amendments. The Commission very properly say, in regard to such cases, that they cannot too strongly deprecate such an amendment of the statutory rules so as to suit particular individuals. I entirely endorse that very strong statement of the Commission.

"Now, with reference to the Queen Mary's College, the Natural Science Professor, who was recommended by the Commission being a British Indian candidate, was given the go-bye and the appointment went to a Native State candidate, who was not recommended. Either don't go to the Services Commission for their recommendation, or give effect to their recommendation. Otherwise, you seem to set up a statutory commission only to condemn them. Here again, a statutory rule which prescribed the previous permission of the Government for the Native State candidate to apply at all, would appear to have been violated.

"The Commission pointed out the desirability of amending section 11 of the Statute which as it now stands, is a handicap in the way of all eligible candidates being considered by them. I think it is time that section 11 were amended suitably to the requirement pointed out by the Commission."

Mr. G. Lakshmana Reddi:—"Mr. President, ..."

Diwan Bahadur B. Muniswami Nayudu:—"May I know whether it is the idea of Government to go on with the discussion or to give another day especially when there are a number of people anxious to speak on the subject?"

* The hon. Sir Mahomed Usman:—"The discussion on this and the remaining item on the agenda will continue on the 21st instant, after the presentation of the Budget is over."

* The hon. the President:—"The House will adjourn and meet again at 11 a.m. on the 21st instant."

VIII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

[a] 1. *Statement showing area irrigated under each tank falling within the scope of the Periyar Irrigation Tanks (Preservation) Bill (Bill No.* 16 *of* 1933).

[b] 2. *List of posts on Rs.* 500 *per mensem and above created during the quarter ending* 31*st December* 1933.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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[a] Printed as Appendix VII on pages 570—575 infra.
[b] Printed as Appendix VIII on pages 575—576 infra.